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LEGAL SERVICES OF EASTERN MISSOURI, INC.
2007 PRIVATE ATTORNEY INVOLVEMENT PLAN

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INTRODUCTION

Legal Services of Eastern Missouri (LSEM) delivers services in 21 counties in Missouri. Because of the unique aspects of service delivery in the different geographic parts of the service area, LSEM's PAI Plan has a section on the St. Louis Area PAI Plan, and a section on the Northeast Missouri Area PAI Plan. The St. Louis area includes 7 counties: St. Louis City, St. Louis, St. Charles, Franklin, Jefferson, Warren, and Washington. The Northeast Missouri area includes 14 counties: Adair, Clark, Knox, Lewis, Lincoln, Macon, Marion, Monroe, Montgomery, Pike, Ralls, Schuyler, Scotland, and Shelby.

PART I: THE ST. LOUIS AREA PAI PLAN

LSEM actively encourages and recruits people to volunteer their time to assist LSEM clients. These volunteer efforts are channeled into a variety of projects at LSEM. Our Volunteer Lawyers Program (VLP) has eleven projects that provide opportunities for volunteers in the legal community. We also have non-legal volunteers who assist LSEM clients in a variety of ways, including clerical assistance, interpreter services, and special research projects. The entire LSEM staff is available to both VLP and community volunteers for consultations, guidance, co-counseling and such other assistance as is necessary.

VLP COMPONENTS

The VLP projects are as follows:

1. Private Attorney Pro Bono Project. Attorneys who are in private practice as sole

practitioners, with small firms, or with medium-sized firms volunteer by accepting case referrals to provide legal assistance to LSEM clients.

2. In-House Volunteer Project. LSEM makes its offices available to attorneys who wish to volunteer their services on a regular basis. These volunteers generally include people who have recently been admitted to the bar and who are in the process of seeking full-time employment, attorneys who practice law on a part-time basis, attorneys who have practiced in other states and are waiting for bar exam results in Missouri, and retired attorneys.

3. Corporate Counsel Pro Bono Project. The VLP has worked with the legal staff of area corporations to provide legal services by their attorneys to low-income people in the St. Louis metropolitan area. These attorneys usually volunteer to counsel clients in advice-only community outreach clinics. LSEM actively continues to recruit support from other corporations and their legal staff.

In addition, LSEM and the other Missouri Legal Services programs have partnered with The Missouri Bar on The Missouri Bar Corporate Pro Bono Project. This project includes a website where Legal Services programs can post requests for corporate attorney volunteers to participate in specific projects and client requests tailored to the unique needs and availabilities of corporate in-house and law firm attorneys.

4. Large Law Firm Pro Bono Project. The majority of large law firms in the metropolitan area have made a commitment to participate in a systematic way with the VLP. Under this arrangement, cases are generally referred by LSEM to a pro bono coordinator within the large law firm. The coordinator then distributes the cases to members of the firm for representation, and coordinates the training needs of the volunteers with the staff of LSEM. The VLP offers substantive training

sessions at many of these firms in order to equip attorneys to handle VLP referral cases.

5. Law School Student Clinic Project. LSEM and the VLP have had long-standing arrangements with the Saint Louis University School of Law Clinic and the Washington University School of Law Clinic. While the clinics are not operating in the program at this time, LSEM is a placement site for law students from both schools who are enrolled in for-credit externships. The VLP also partners with the staff and students of the Saint Louis University School of Law Clinic to provide intake and legal information clinics at three annual events: the local Veterans Stand Down in St. Louis City; an annual information fair for veterans in St. Louis County; and Homeward Bound, an annual information fair for persons in the St. Louis area who are homeless or at risk of becoming homeless. Both volunteer lawyers and VLP staff also participate in these events.

6. Consultant & Retired Judiciary Pro Bono Project. Retired judges have offered their services to work as consultants to LSEM staff and other VLP attorneys for their work on pro bono cases. Additionally, other VLP members who are not engaged in the active practice of law, or who cannot take pro bono cases, but who do have valuable legal experience, have agreed to act as consultants and to give talks on legal topics to community groups.

7. Advice & Information Pro Bono Project. Volunteer attorneys from several sources work with the LSEM staff to provide advice and information to low-income people who call LSEM seeking assistance. The VLP has also developed an Outreach Center Project in which volunteer attorneys meet with potential clients at community centers and food pantries located throughout the St. Louis metropolitan area. These clinics are currently held at 16 sites throughout our service area. The client applications are then forwarded to the VLP staff at LSEM where they are reviewed for a determination on making a referral to other volunteers or other agencies.

8. Pro Bono Homeless Project. Through this project, volunteer attorneys are providing legal counsel to homeless people at area homeless shelters. These lawyers provide legal advice and assistance to the homeless population and are available to handle court cases on their behalf. Other volunteers participating in this project meet regularly to develop creative solutions to the recurrent legal problems of homeless individuals and then pursue those solutions through active subcommittees. In addition, VLP attorneys and LSEM staff attorneys are members of the Affordable Housing Committee of The Bar Association of Metropolitan St. Louis.
9. Special Projects. Volunteer attorneys participating in Special Projects dedicate their pro bono services solely to HIV+/AIDS clients and their legal problems. The volunteers have assisted clients in the areas of housing rights, health insurance, employment, domestic relations, veterans' benefits, social security benefits, wills, durable powers of attorney for health care, and general durable powers of attorney.
10. Community Legal Education Presentations. Through this component volunteer lawyers give speeches and presentations on a variety of legal topics. They visit various locations to educate people on their rights and responsibilities under the law.
11. City of St. Louis Family Justice Center. In response to an identified need for more comprehensive services to victims of domestic violence, various government and community based agencies have joined forces to provide services to St. Louis City residents seeking permanent relief from domestic violence situations. The result will be the establishment of the City of St. Louis Family Justice Center. The Center was made possible through a federal grant. Access to a full range of services will be available to victims of domestic violence. Through this collaborative effort, the people who need the services will be able to access them at this one site.

One of the most important components of the Center will be civil legal services. The VLP is proud to be collaborating with other civil legal providers to develop a coordinated plan to provide high quality, comprehensive civil legal services to the clients of the Center. The providers are LSEM, Legal Advocates for Abused Women, Catholic Legal Assistance Ministry, the Washington University School of Law Civil Justice Clinic, and the law clinic at St. Louis University School of Law (the partners). One of the main objectives is to provide clients with civil legal representation in orders of protection, divorce, child custody, child support, modifications, paternity, habeas corpus, immigration, housing/eviction, bankruptcy and other consumer issues, and public benefits cases. Recognizing that this new initiative will place additional demands on the already strained resources of the partners, we will be seeking the assistance and involvement of volunteer attorneys with this project. We also hope to integrate the work of current volunteer lawyers in this effort, and to recruit and train additional volunteer lawyers in order to meet the expected increased demand for civil legal services. The VLP will work with the partners to create exciting and rewarding new pro bono opportunities for volunteer lawyers. Such opportunities will include: a) part-time staffing on site at the Center where volunteers will conduct intake referral to partners, and provide on-site counseling, and representation to victims (a wide variety of shifts and time commitments will be available); b) free CLE training on both substantive legal topics and on working with domestic violence clients; c) pro bono case referrals in legal areas where volunteers already have expertise but need the available support resources of the VLP in order to accept pro bono casework; d) in-house volunteer opportunities; e) the opportunity for a law firm to “adopt” a particular component of this project. This is an exciting, unique opportunity for volunteer lawyers to

participate in a new and innovative collaboration designed to make a real impact in the lives of clients.

VLP PRIORITIES

In accordance with 45 CFR 1620, LSEM conducts an appraisal of needs of its client community every four years. The program's priorities are then reviewed and approved by the Board of Directors annually. In order to maximize the participation of volunteer attorneys and meet the needs of the client community, the program's priorities plan sets out priorities for the VLP which are as follows:

HOUSING, however, in accordance with LSC regulations, LSEM cannot represent heads of households who have been charged with the illegal sale or distribution of a controlled substance in a public housing project

INCOME MAINTENANCE, including unemployment compensation

FAMILY LAW TO PREVENT ADULT OR CHILD ABUSE AND TO STABILIZE FAMILIES

CONSUMER

EDUCATION AS IT RELATES TO CHILDREN WITH SPECIAL NEEDS

DISABILITY

ELDERLY

HEALTH AND PUBLIC BENEFITS

IMMIGRATION, as allowed under 45 CFR Part 1626

PROBATE, where avoiding homelessness or impoverishment of a family is the goal

TAX MATTERS may be handled in situations where the client's employment or home may be affected

INTAKE, SCREENING & REFERRAL

All potential clients are screened by LSEM staff. The screening is designed to determine that the caller's request for assistance involves LSEM's geographical service area and case priorities. The financial eligibility for representation will also have been explored. VLP staff members also talk with the client to determine the specific facts about the client's legal problem. In some cases, the VLP receives referrals from LSEM's specialty units. In these situations screening has been done regarding eligibility. The VLP also receives client intakes through its outreach program at various community centers and homeless shelters throughout the LSEM service area. These initial interviews are conducted by volunteers who then return the intake information to the VLP. Eligibility information is obtained by the volunteers in these situations as well. The VLP staff then reviews the information for appropriate follow up.

When the VLP receives a request for assistance, the information is reviewed by the VLP staff to see if the matter can be handled by LSEM, or if it is appropriate to refer it to another agency. Each case accepted is assigned a case number and a file is opened. The potential client is then contacted for an interview, generally by a VLP staff person, to get more in-depth information about the legal problem. The interview is intended to focus the client's problem and to determine whether the client's request for assistance is appropriate for referral.

Once a client's request has been determined to be appropriate for referral, the VLP staff reviews the volunteer attorney information to locate an appropriate attorney. The potential attorneys are called by the VLP staff and briefed concerning the case. When a volunteer is willing to accept the referral, a confirming letter is sent, along with a case summary, a retainer, rules and procedures of the VLP, any documents received from the client, and any appropriate legal documents or

research requested by the volunteer. The client then contacts the volunteer attorney to arrange an appointment.

CONFLICTS

The VLP will not accept for referral any matter in which LSEM or the VLP panel member is representing a party with a separate adverse interest in that matter. LSEM runs computer checks on clients and the prospective opposing party, utilizing names, social security numbers, and addresses to ascertain if a potential conflict exists. Further, prior to undertaking representation, volunteer attorneys will do conflict checks within their own firms as well. When a volunteer has a conflict, an attempt will be made to place the case with another volunteer attorney. If that does not work out, the case is referred to Lawyers Reference Service for a referral.

OVERSIGHT

The VLP maintains a client file on all open cases until the matter is resolved. Each file is incorporated into a tickler system for a review at least every two months, frequently sooner, depending upon the nature of the case. At the time of the review, a case update form and a case closure form are sent to the volunteer attorney to encourage status reports to the VLP staff.

FINANCIAL SYSTEMS & PRACTICES

In accordance with the PAI Instruction first issued in December of 1981, our auditing firm approved our program's development of a unit cost method of accounting for these PAI activities. The hourly unit cost is established annually. The total number of staff attorney hours is divided into the attorney line item in the projected budget for that year to determine an attorney hourly cost. The total attorney hours are then divided into the total of all other line items to get an amount of overhead cost per hour. The hourly attorney cost plus the overhead cost per hour equal the total unit

cost for that year. The auditing firm reviews and approves the unit cost on an annual basis. Staff attorneys and volunteers record their PAI time in the Kemp's timekeeping system. The unit cost for those hours is then applied to the financial records. The staff attorney rate is applied with the full unit cost and the volunteer attorney rate is applied with the overhead amount only. The PAI activities are reported separately in the annual audit report. The auditors review and approve the procedures utilized to allocate costs to PAI.

The market value of PAI activities is determined through consultation with private attorneys and bar leaders, as well as utilizing published information about hourly attorney rates. The information accurately estimates the value of private attorney time for pro bono work. These procedures, and the figures derived from the procedures, indicate clearly that the market value for PAI activities substantially exceeds the direct and indirect costs allocated to meet the PAI requirements.

PART II: THE NORTHEAST MISSOURI AREA PAI PLAN

COMPONENTS

In 2007, LSEM will allocate approximately \$86,000 of its projected budget for the payment of private attorneys in the northeast Missouri area under its Judicare component. In addition, pro bono representation through this part of the plan will be valued at \$10,000. Because the northeast Missouri area office in Hannibal, Missouri, is responsible for a very large geographic area of 14 counties, Judicare attorneys are essential to provide legal representation throughout the coverage area.

An additional PAI component entitled the Judicare deductible was introduced in northeast Missouri a number of years ago. Under the Judicare model, the reimbursable Judicare rate in 2007

will be \$50.00 per hour up to an initial maximum of twenty (20) hours or \$1,000.00. The Judicare deductible combines Judicare with the pro bono efforts that are encouraged by state and local bar associations in Missouri. Under the Judicare deductible component, the first five hours spent on a case beyond the initial twenty hours will be provided on a pro bono basis. If the case then requires more time than twenty-five hours to complete, the managing attorney of the Hannibal office must approve those additional hours.

NORTHEAST MISSOURI AREA PRIORITIES

The northeast Missouri PAI priorities are as follows:

HOUSING, however, in accordance with LSC regulations, LSEM cannot represent heads of households who have been charged with the illegal sale or distribution of a controlled substance in a public housing project

INCOME MAINTENANCE, including unemployment compensation

FAMILY LAW TO PREVENT ADULT OR CHILD ABUSE AND TO STABILIZE FAMILIES

CONSUMER

EDUCATION AS IT RELATES TO CHILDREN WITH SPECIAL NEEDS

DISABILITY

ELDERLY

HEALTH AND PUBLIC BENEFITS

IMMIGRATION, as allowed under 45 CFR Part 1626

PROBATE, where avoiding homelessness or impoverishment of a family is the goal

TAX MATTERS may be handled in situations where the client's employment or home may be affected

INTAKE, SCREENING & REFERRAL

All applications for legal assistance are initially screened by the staff. A determination on whether to accept the case is made by the staff. In addition, the staff determines whether to provide services through the staff component or the PAI component. In making this determination, consideration is given to the relative cost effectiveness of each option, the physical access to counsel geographically, resources, and existing priority considerations. If the staff determines that the case should be referred to a Judicare attorney, a case file is opened, and a letter of referral is sent to the applicant instructing the person to contact the referral attorney within five business days. A packet of information, including client information, a retainer agreement, and PAI follow-up forms, is sent to the referral attorney. Within fifteen (15) days the client and the attorney are expected to consult. The attorney then returns a form indicating acceptance, the anticipated completion date of the case, and election of compensation (Judicare or pro bono). When a case file is opened, twenty hours or \$1,000.00 will be encumbered in Judicare/PAI, unless the case is accepted as strictly pro bono.

CONFLICTS

All applicants for legal assistance are screened for conflicts of interest by the staff. The PAI attorney receiving the referral also makes a determination of whether a conflict exists upon preliminary contact from the PAI coordinator. When an attorney has a conflict, s/he advises the client and the PAI coordinator. The client works with the PAI coordinator to find another attorney.

OVERSIGHT

Following referrals to participating PAI attorneys, the attorneys are required to send in monthly time statements on each file. Staff members send out reminders when bills are not received in a timely manner. The statements are monitored so that if the total time billed is approaching the

authorized allotment, the attorney is notified. If additional time is needed to complete a case beyond the initial allotment of time, approval must be obtained from the managing attorney of the Hannibal office.

When work is completed on a case and a final time statement is submitted, a letter is sent to the participating attorney and to the client confirming that PAI services are completed.

FINANCIAL SYSTEMS AND PRACTICES

As mentioned above, LSEM will allocate approximately \$86,000 of its projected 2007 budget for the payment of private attorneys in the northeast Missouri area under its Judicare component. In addition, pro bono representation through this part of the plan will be valued at \$10,000. Through contacts with private practitioners in the northeast Missouri area, it has been determined that the prevailing hourly fee for legal services in northeast Missouri is more than \$100.00 per hour. LSEM will reimburse its Judicare attorneys at the rate of \$50.00 per hour for the first twenty hours spent on a case. This rate of reimbursement is less than 50% of the local prevailing market rate. In addition, with the participation of referral attorneys in the Judicare deductible program mentioned previously, it is anticipated that the average cost per hour of Judicare will be reduced.

It is anticipated that most Judicare cases will be completed within the initial twenty hours allocated per case. If more time is needed, participating attorneys must get the approval of the managing attorney of the Hannibal office, with a portion of that time credited to pro bono representation. The delivery systems in northeast Missouri are the most cost-effective mechanisms to deliver high quality representation to the clients. PAI expenses for northeast Missouri are allocated in accordance with all regulations and the Audit Guide. The annual audit will reflect that

PAI expenses are reported separately.

PART III

TRAINING OF PAI ATTORNEYS

As an accredited sponsor of CLE programs in Missouri, LSEM provides opportunities for PAI attorneys to participate in training events sponsored by LSEM and certified for CLE credit. Moving forward, these substantive training sessions will be emphasized even further. Increasing numbers of attorneys from the private bar have indicated an interest in taking pro bono cases from VLP, but only if they are able to take part in a training session covering the legal and practice areas covered by VLP.

BAR AND BOARD INVOLVEMENT IN THE PAI PLAN

LSEM sends its annual PAI Plan to the presidents of all local bar associations in its service area for their comments. LSEM's governing body has been involved in the PAI process and approves the plan annually.

ESTIMATED PAI BUDGET FOR 2007

Expense Category

Personnel:

Attorneys	55,467
Paralegals/Social Workers	87,046
Employee Benefits	28,502
Law Students	<u>1,435</u>

TOTAL PERSONNEL:	<u>172,450</u>
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Non-Personnel:

Contract Services for Clients	60,575
Occupancy	5,086
Client Representation Expenses	2,560
Postage	2,186
Training	2,158
Telephone	2,042
Office Supplies	1,356
Library	1,351
Insurance	1,237
Equipment Maintenance & Rental	1,181
Travel	702
Printing	595
Dues & Fees	582
Translation Costs	570
Contract Services for Program	368
Other	176

TOTAL NON-PERSONNEL:	<u>82,725</u>
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GRAND TOTAL	<u>255,175</u>
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